

## Appeal of Title V Air Pollution Permit for Wheelabrator Waste Incinerator Claremont, NH

To: Members of the NH Air Resources Council and NH DES-ARD staff

From: J. Duncan McCutchan,  
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Regarding: My Appeal of Air Pollution Permit for Wheelabrator Waste Incinerator,  
Claremont, NH

Date: February 17, 2004 (following up on testimony in July 2003 and a  
previous appeal faxed to Ms. Michele Andy at DES-ARD on February 5,  
2004)

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Subscription, Veracity of Document, and Signature:

04-06 ARC

I have read this document.

I am authorized to sign this document

To the best of my belief, there are good grounds on which to support it.

The document has not been filed with the intent of delay or harassment.

Signature:

*J. Duncan McCutchan*

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My appeal of the recently granted air permit for the Wheelabrator Waste Incinerator in Claremont, NH is undertaken on behalf of my family and several other anonymous Claremont residents and landowners.

I presented testimony this summer during the public hearings held regarding the renewal of the permit. This testimony was only the most recent event in my involvement in this facility in our community which began back in 1986, eighteen years ago.

I am not a lawyer, nor an employee of a corporation or an environmental organization. I am currently the chair (appointed) of the Claremont community manager's Committee on Waste Options and a landowner (a working farm) in Claremont. I have an extensive professional background in science and secondary education and am now an employee of the University of Vermont.

In 1986, on my own initiative, I requested that the New Hampshire-Vermont Waste District carry out a detailed environmental study of soils, vegetation, pond sediment, and farm products in the vicinity of the Claremont incinerator prior to the start-up of the plant (in 1986). The NH-VT Waste district saw the merits of my proposal and spent approximately \$65,000 in designing and carrying out these tests. ( See document Background Sampling and Analysis of Land Surrounding the SES Claremont Company Waste to Energy Facility- June 1987)

At the time of the original tests, the community of Claremont was told that a repeat of the original tests would be carried out in two to three years to determine the

extent to which the facility had deposited toxic combustion substances on the land in our community. The repeat and subsequent analysis of the results have never occurred in 17 years of plant operation despite many requests and testimony to bring this to the attention of the state regulators, the parent corporation, the NH-VT Waste District, and the NH Department of Public Health.

My point in bringing this appeal is to again point out that this careful, scientific reexamination of our study sites and the resulting environmental and health impact study has never been done. We therefore have no idea if the incinerator has been a harmless neighbor or if it has created a toxic "hot zone" on the farms and homes of our community. This is a major oversight in the consideration of the air permit and a dangerous gap in our knowledge about the impact of the incinerator facility.

I have downloaded the many pages of legalese which define and severely limit the input of involved, effected members of our community to your appeals council. I do not fully understand all the terminology and restrictions upon the form of my appeal. I do not know which statute to which I should refer to justify this appeal. I only know that this matter is a legitimate, important, and overlooked consideration which deserves careful study and response.

I do expect that I will be allowed to speak to your council on behalf of my family, our neighbors, and the wider community of Claremont. I would certainly expect your acknowledgement of this letter of appeal and a substantive response to the nature of our request.

Very sincerely,

J. Duncan McCutchan

**What follows is the appeal letter which I originally sent to Ms. Michele Andy, Title V Permit Program Director at NH DES Air Resources Division.**

My appeal is based on a continuing lack of retest data from environmental testing which was performed in 1986 before the incinerator start up. At that time, the community of Claremont was promised periodic retesting as a means of scientifically assessing environmental and health impacts by pollutants from the incinerator. Though some pollution controls have been installed at the plant to minimize environmental impacts, there is no reliable way of truly assessing the extent to which pollutants have become part of the surrounding community other than to repeat these tests.

If waste incineration is as benign a waste solution as Wheelabrator and NH DES-Air Resources claims, I would think that both the corporation and the regulators would welcome this unique opportunity to produce scientific data to back their claims and their business. Without this data, the claims of no significant environmental or health impact are meaningless and without factual basis. Neither you nor I have any idea of the actual state of the environmental and health impacts over the past 17 years of incinerator operation -- not a wise or desirable situation.

As far as I can determine, neither Wheelabrator nor your agency have in any way addressed the continuing environmental and health concerns of our community nor

have you responded to the obvious need for independent retesting at the survey sites established in 1986. I repeat my request for postponement of the granting of the pollution permit pending independent retesting, analysis and public discussion of the test results.

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Back in the fall of 1986, I communicated with Mr. Ted Siegler, then Director of the NH/VT Solid Waste Project, about the need for baseline environmental testing of soils and agricultural products within the immediate area of the Project's Claremont trash incinerator prior to the startup of the incinerator itself. My interest in this testing arose from living on a working dairy farm within two miles of the incinerator stack and therefore having a direct interest in future environmental effects from the plant. We volunteered our land as one site for this testing.

The environmental testing requested was carried out in the fall of 1986 (before the completion of the incinerator facility) by Novalab Ltd. of Quebec and the results published in the document entitled **Background Sampling and Analysis of Land Surrounding the SES Claremont Company Waste to Energy Facility- June 1987**. This scientific/technical report established baseline values for a variety of potentially harmful substances (associated with incineration) in the soils and in the products from the land (such as milk) near the incinerator. The samples were tested for substances including the following:

- 5 types of dioxins
- 5 types of furans
- 9 types of chloro-benzenes
- 6 types of chloro-phenols
- cadmium
- chromium
- mercury
- nickel
- lead

All of these substances are known to be produced by the Claremont incinerator and all can have scientifically demonstrated harmful effects on environment and human health

In his letter accompanying the original lab results, former Project Director Siegler indicated that a second set of samples should be taken within two years and based on those results, further test frequency should be determined. It has now been nearly seventeen years since those initial tests were done and no retesting using this comprehensive testing design has ever been done. (Despite several past public assurances from Wheelabrator, The Waste Project, NHDES-Air Resources, and NH Public health officials that this retesting would be considered, scheduled and performed.)

My family and our neighbors (as well as other anonymous participants) again requested this retesting, and the analysis and publication of the results, as a precondition to the renewal of the air (pollution) permit/license for the Claremont Incinerator (public hearings on the pollution permit renewal were held this past summer). With recent state announcement of the granting of the pollution permit for the Wheelabrator incinerator, state officials and Wheelabrator executives have again chosen to disregard our community's request for retesting as part of a legitimate

scientific determination of the past and future environmental and health impacts of the waste incinerator.

We feel there is an obligation on the part of the Solid Waste Project, the incinerator owner/operators, and the State regulatory agencies to independently determine the facts regarding the impact of stack emissions over time and to demonstrate that this facility has not adversely effected public or environmental health in the surrounding area. This testing can help to provide that assurance.

Specifically, we request the following process be followed:

- We formally appeal the permit renewal decision of the NH Department of Environmental Services - Air Resources Division regarding the waste incinerator in Claremont, NH.
- Postpone the granting of the new permit for the Claremont incinerator pending independent retesting and analysis of these environmental test results.
- Carry out independent environmental testing at (at least) the original five sites.
- Expand the study design, if appropriate , to include new data which may have become feasible and important since 1986 in determining the status of health and environmental impacts of the incinerator.
- Provide for independent analysis of the original and retest data.
- Publish and distribute the results of this testing to the public.
- Publicly commit to a firm schedule of future environmental testing
- Provide an additional opportunity for public testimony on the renewal of the air pollution permit after the retesting, analysis, and publication of results.

Clearly, none of the corporate or regulatory parties involved in the incinerator have truly fulfilled the many promises made and responsibilities assumed over the years to scientifically determine the environmental and health affects of this facility on the surrounding communities. It is time that the facts of this matter be established by the testing study procedures which were designed and set in motion in 1986. It's well past time to clear the air on this matter.

I would appreciate and expect written acknowledgement of this appeal and later communication regarding the consideration and outcome of the appeal.

Sincerely,

Duncan McCutchan